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UNCLAS SECTION 01 OF 02 PARIS 000681

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SUBJECT: FRENCH GOVERNMENT POSITION ON BIOSAFETY PROTOCOL

REF: (A) STATE 259661, (B) STATE 69525

1. Summary: The focal point for France regarding the Biosafety Protocol is the Ministry of Ecology. The Ministries of Agriculture and Economy are also involved in inter-ministerial discussions. Article 18.2 of the Protocol is the main obstacle to implementation encountered by France, which has problems with the "may contain" biotech labeling language. Also, there are currently inter-ministerial discussions and consultations with French industry regarding the type of documentation to accompany LMO shipments. Exports of LMOs from France are covered by the European regulation 1946/2003 on biotech cross-border shipments. Imports of LMOs into France fall under European regulations 1829/2003 and 1830/2003 (respectively Novel Food/Novel Feed, and Traceability & Labeling regulations), and under national measures on non-biotech labeling. In addition, the GoF is working on national measures for biotech labeling in the Food Service sector. End Summary.

2. Per Ref A, on January 20, 2005, ESTH and AGR officers met Berangere Basin (Ministry of Ecology), Christophe Lepretre and Veronique Laborde (Ministry of Agriculture, Food, Fisheries and Rural Affairs), and Emmanuelle Miralles (Fraud Control Office, Ministry of Economy, Finance and Industry) to discuss the GoF position in Biosafety Protocol discussions.

3. The focal point for the French government in the Biosafety Protocol is the French Ministry of Ecology. Basin attended the last workshop focusing on Article 18.2 held in Bonn in November 2004, while Lepretre attended the Technical Expert Group meeting focusing on liability and redress, held in October 2004 in Montreal. The three officials are expected to attend the second Meeting Of the Parties (MOP-2) in May/June 2005.

4. Basin indicated that the various Ministries involved in the discussions on the Biosafety Protocol are discussing approaches to Article 18.2. As indicated in Ref B, this Article imposes labeling requirements on shipments that "may contain" LMOs for food and feed use. Lepretre indicated that this is a major obstacle for France. According to Basin, the various French ministries involved in the Biosafety Protocol are in the process of consultations with French industry on the type of documentation to accompany LMO shipments, and there is no clear French position yet.

5. On French exports, Basin explained that France has not undertaken separate national measures because cross-border movements of biotech products are covered by European regulation 1946/2003. For imports of products into France, Basin said that the European regulation is stricter than that proposed by the MOP-1, with the EU regulations 1829/2004 (Novel Food/Novel Feed or NF/NF) and 1830/2004 (Traceability and Labeling, or T&L).

6. Miralles described the three categories of biotech labeling currently on the French market: (1) "containing GMOs" for products with more than 0.9 percent of GMOs (based on the European NF/NF and T&L regulations); (2) "no label" for products that come in under the threshold of 0.9 percent, based on the T&L and NF/NF regulations; and (3) "non-GMO" for products without any GM content and products not derived from GMOs (this requires strict documentation.) This a French regulation, not an EU regulation.

7. Miralles continued that the Frauds Office of the Ministry of Economy, Finance and Industry, as well as the Ministry of Agriculture and Ministry of Health are working on implementing measures for biotech labeling in the Food Service sector. She said that the EU Commission's position with regard to biotech labeling for hotels, restaurants and

institutions (HRI) is the following: if a meal is prepared by the institution, labeling is not required, but if a meal is not prepared in the institution, labeling is required. For example, bread served in a restaurant must be labeled if it is not prepared in the restaurant, but it doesn't have to be labeled if prepared offsite and served in the restaurant, in the hypothetical case of bread made from biotech wheat. Miralles said that French government authorities are working on improving the consistency of biotech labeling regulations in the Food Service sector.

LEACH